

in accordance with section 3664 in the same manner as an order under section 3663A.

(3) DEFINITION.—For purposes of this subsection, the term “full amount of the victim’s losses” means all losses suffered by the victim as a proximate result of the offense.

(4) ORDER MANDATORY.—(A) The issuance of a restitution order under this section is mandatory.

(B) A court may not decline to issue an order under this section because of—

- (i) the economic circumstances of the defendant; or
- (ii) the fact that a victim has, or is entitled to, receive compensation for his or her injuries from the proceeds of insurance or any other source.

(c) VICTIM DEFINED.—In this section, the term “victim” has the meaning given that term in section 3663A(a)(2).

(Added Pub. L. 103-322, title XXV, §250002(a)(2), Sept. 13, 1994, 108 Stat. 2082; amended Pub. L. 104-132, title II, §205(e), Apr. 24, 1996, 110 Stat. 1232; Pub. L. 104-294, title VI, §601(n), Oct. 11, 1996, 110 Stat. 3502; Pub. L. 105-184, §5, June 23, 1998, 112 Stat. 520.)

AMENDMENTS

1998—Subsec. (a). Pub. L. 105-184, §5(1), substituted “to all victims of any offense for which an enhanced penalty is provided under section 2326” for “for any offense under this chapter”.

Subsec. (c). Pub. L. 105-184, §5(2), added subsec. (c) and struck out former subsec. (c) which read as follows:

“(c) DEFINITION.—For purposes of this section, the term ‘victim’ includes the individual harmed as a result of a commission of a crime under this chapter, including, in the case of a victim who is incompetent, incapacitated, or deceased, the legal guardian of the victim or representative of the victim’s estate, another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named as such representative or guardian.”

1996—Subsec. (a). Pub. L. 104-132, §205(e)(1), inserted “or 3663A” after “3663”.

Subsec. (b)(1). Pub. L. 104-132, §205(e)(2)(A), reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “The order of restitution under this section shall direct that—

“(A) the defendant pay to the victim (through the appropriate court mechanism) the full amount of the victim’s losses as determined by the court, pursuant to paragraph (3); and

“(B) the United States Attorney enforce the restitution order by all available and reasonable means.”

Subsec. (b)(2). Pub. L. 104-132, §205(e)(2)(B), struck out “by victim” after “Enforcement” in heading and amended text generally. Prior to amendment, text read as follows: “An order of restitution may be enforced by a victim named in the order to receive the restitution as well as by the United States Attorney, in the same manner as a judgment in a civil action.”

Subsec. (b)(4)(C), (D). Pub. L. 104-132, §205(e)(2)(C), struck out subpars. (C) and (D), which related to court’s consideration of economic circumstances of defendant in determining schedule of payment of restitution orders, and court’s entry of nominal restitution awards where economic circumstances of defendant do not allow for payment of restitution, respectively.

Subsec. (b)(5) to (10). Pub. L. 104-132, §205(e)(2)(D), struck out pars. (5) to (10), which related, respectively, to more than 1 offender, more than 1 victim, payment schedule, setoff, effect on other sources of compensation, and condition of probation or supervised release.

Subsec. (c). Pub. L. 104-294, which directed substitution of “designee” for “delegee” wherever appearing, could not be executed because of amendment by Pub. L. 104-132, §205(e)(3), (4). See below.

Pub. L. 104-132, §205(e)(3), (4), redesignated subsec. (f) as (c) and struck out former subsec. (c) relating to proof of claim.

Subsecs. (d), (e). Pub. L. 104-132, §205(e)(3), struck out subsecs. (d) and (e) which read as follows:

“(d) MODIFICATION OF ORDER.—A victim or the offender may petition the court at any time to modify a restitution order as appropriate in view of a change in the economic circumstances of the offender.

“(e) REFERENCE TO MAGISTRATE OR SPECIAL MASTER.—The court may refer any issue arising in connection with a proposed order of restitution to a magistrate or special master for proposed findings of fact and recommendations as to disposition, subject to a de novo determination of the issue by the court.”

Subsec. (f). Pub. L. 104-132, §205(e)(4), redesignated subsec. (f) as (c).

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-132 effective, to extent constitutionally permissible, for sentencing proceedings in cases in which defendant is convicted on or after Apr. 24, 1996, see section 211 of Pub. L. 104-132, set out as a note under section 2248 of this title.

CHAPTER 113B—TERRORISM

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CODIFICATION

Pub. L. 101-519, §132, Nov. 5, 1990, 104 Stat. 2250, known as the “Antiterrorism Act of 1990”, amended this chapter by adding sections 2331 and 2333 to 2338 and by amending former section 2331 and renumbering it as section 2332. Pub. L. 102-27, title IV, §402, Apr. 10, 1991, 105 Stat. 155, as amended by Pub. L. 102-136, §126, Oct. 25, 1991, 105 Stat. 643, repealed section 132 of Pub. L. 101-519, effective Nov. 5, 1990, and provided that effective Nov. 5, 1990, this chapter is amended to read as if section 132 of Pub. L. 101-519 had not been enacted.

PRIOR PROVISIONS

Another chapter 113B, consisting of sections 2340 to 2340B, was renumbered chapter 113C.

¹ Editorially supplied. Section 2339D added by Pub. L. 108-458 without corresponding amendment of chapter analysis.

AMENDMENTS

2004—Pub. L. 108-458, title VI, §6911(a), Dec. 17, 2004, 118 Stat. 3775, added items 2332g and 2332h.

2002—Pub. L. 107-197, title I, §102(b), title II, §202(b), June 25, 2002, 116 Stat. 724, 727, added items 2332f and 2339C.

2001—Pub. L. 107-56, title VIII, §803(b), Oct. 26, 2001, 115 Stat. 377, added item 2339.

1998—Pub. L. 105-277, div. I, title II, §201(c)(2), Oct. 21, 1998, 112 Stat. 2681-871, struck out item 2332c “Use of chemical weapons”.

1996—Pub. L. 104-294, title VI, §605(q), Oct. 11, 1996, 110 Stat. 3510, redesignated item 2332d, relating to requests for military assistance to enforce prohibition in certain emergencies, as item 2332e, and moved the item to follow item 2332d, relating to financial transactions.

Pub. L. 104-294, title VI, §604(b)(5), Oct. 11, 1996, 110 Stat. 3506, amended directory language of Pub. L. 103-322, title XII, §120005(b), Sept. 13, 1994, 108 Stat. 2023. See 1994 Amendment note below.

Pub. L. 104-201, div. A, title XIV, §1416(c)(2)(B), Sept. 23, 1996, 110 Stat. 2723, which directed amendment of table of sections at beginning of the chapter 133B of this title, that relates to terrorism, by adding item 2332d relating to requests for military assistance to enforce prohibition in certain emergencies, after item 2332c, was executed by making the addition after item 2332c in the table of sections at the beginning of this chapter to reflect the probable intent of Congress. This title does not contain a chapter 133B.

Pub. L. 104-132, title III, §§303(b), 321(b), title V, §521(c), title VII, §702(b), Apr. 24, 1996, 110 Stat. 1253, 1254, 1287, 1294, added items 2332b to 2332d and 2339B.

1994—Pub. L. 103-322, title XII, §120005(b), Sept. 13, 1994, 108 Stat. 2023, as amended by Pub. L. 104-294, title VI, §604(b)(5), Oct. 11, 1996, 110 Stat. 3506, added item 2339A.

Pub. L. 103-322, title VI, §60023(b), title XXV, §250002(a)(1), (b)(2), Sept. 13, 1994, 108 Stat. 1981, 2082, 2085, renumbered chapter 113A as 113B, amended chapter heading generally, substituting “113B” for “113A”, and added item 2332a.

1992—Pub. L. 102-572, title X, §1003(a)(5), Oct. 29, 1992, 106 Stat. 4524, substituted “TERRORISM” for “EXTRA-TERRITORIAL JURISDICTION OVER TERRORIST ACTS ABROAD AGAINST UNITED STATES NATIONALS” in chapter heading and amended chapter analysis generally, substituting “Definitions” for “Terrorist acts abroad against United States nationals” in item 2331 and adding items 2332 to 2338.

1988—Pub. L. 100-690, title VII, §7062, Nov. 18, 1988, 102 Stat. 4404, added item 2331.

§ 2331. Definitions

As used in this chapter—

(1) the term “international terrorism” means activities that—

(A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State;

(B) appear to be intended—

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping; and

(C) occur primarily outside the territorial jurisdiction of the United States, or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to intimidate

or coerce, or the locale in which their perpetrators operate or seek asylum;

(2) the term “national of the United States” has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act;

(3) the term “person” means any individual or entity capable of holding a legal or beneficial interest in property;

(4) the term “act of war” means any act occurring in the course of—

(A) declared war;

(B) armed conflict, whether or not war has been declared, between two or more nations; or

(C) armed conflict between military forces of any origin; and

(5) the term “domestic terrorism” means activities that—

(A) involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any State;

(B) appear to be intended—

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping; and

(C) occur primarily within the territorial jurisdiction of the United States.

(Added Pub. L. 102-572, title X, §1003(a)(3), Oct. 29, 1992, 106 Stat. 4521; amended Pub. L. 107-56, title VIII, §802(a), Oct. 26, 2001, 115 Stat. 376.)

REFERENCES IN TEXT

Section 101(a)(22) of the Immigration and Nationality Act, referred to in par. (2), is classified to section 1101(a)(22) of Title 8, Aliens and Nationality.

PRIOR PROVISIONS

A prior section 2331 was renumbered 2332 of this title.

AMENDMENTS

2001—Par. (1)(B)(iii). Pub. L. 107-56, §802(a)(1), substituted “by mass destruction, assassination, or kidnapping” for “by assassination or kidnapping”.

Par. (5). Pub. L. 107-56, §802(a)(2)-(4), added par. (5).

EFFECTIVE DATE

Section 1003(c) of Pub. L. 102-572 provided that: “This section [enacting this section and sections 2333 to 2338 of this title, amending former section 2331 of this title, and renumbering former section 2331 of this title as 2332] and the amendments made by this section shall apply to any pending case or any cause of action arising on or after 4 years before the date of enactment of this Act [Oct. 29, 1992].”

SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108-458, title VI, §6601, Dec. 17, 2004, 118 Stat. 3761, provided that: “This subtitle [subtitle G (§§6601-6604) of title VI of Pub. L. 108-458, enacting section 2339D of this title, amending sections 2332b and 2339A to 2339C of this title, and enacting provisions set out as a note under section 2332b of this title] may be cited as the ‘Material Support to Terrorism Prohibition Enhancement Act of 2004.’”

SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107-197, title I, §101, June 25, 2002, 116 Stat. 721, provided that: “This title [enacting section 2332f of

this title and provisions set out as notes under section 2332f of this title] may be cited as the ‘Terrorist Bombings Convention Implementation Act of 2002.’”

Pub. L. 107-197, title II, §201, June 25, 2002, 116 Stat. 724, provided that: “This title [enacting section 2339C of this title and provisions set out as notes under section 2339C of this title] may be cited as the ‘Suppression of the Financing of Terrorism Convention Implementation Act of 2002.’”

§ 2332. Criminal penalties

(a) **HOMICIDE.**—Whoever kills a national of the United States, while such national is outside the United States, shall—

(1) if the killing is murder (as defined in section 1111(a)), be fined under this title, punished by death or imprisonment for any term of years or for life, or both;

(2) if the killing is a voluntary manslaughter as defined in section 1112(a) of this title, be fined under this title or imprisoned not more than ten years, or both; and

(3) if the killing is an involuntary manslaughter as defined in section 1112(a) of this title, be fined under this title or imprisoned not more than three years, or both.

(b) **ATTEMPT OR CONSPIRACY WITH RESPECT TO HOMICIDE.**—Whoever outside the United States attempts to kill, or engages in a conspiracy to kill, a national of the United States shall—

(1) in the case of an attempt to commit a killing that is a murder as defined in this chapter, be fined under this title or imprisoned not more than 20 years, or both; and

(2) in the case of a conspiracy by two or more persons to commit a killing that is a murder as defined in section 1111(a) of this title, if one or more of such persons do any overt act to effect the object of the conspiracy, be fined under this title or imprisoned for any term of years or for life, or both so fined and so imprisoned.

(c) **OTHER CONDUCT.**—Whoever outside the United States engages in physical violence—

(1) with intent to cause serious bodily injury to a national of the United States; or

(2) with the result that serious bodily injury is caused to a national of the United States;

shall be fined under this title or imprisoned not more than ten years, or both.

(d) **LIMITATION ON PROSECUTION.**—No prosecution for any offense described in this section shall be undertaken by the United States except on written certification of the Attorney General or the highest ranking subordinate of the Attorney General with responsibility for criminal prosecutions that, in the judgment of the certifying official, such offense was intended to coerce, intimidate, or retaliate against a government or a civilian population.

(Added Pub. L. 99-399, title XII, §1202(a), Aug. 27, 1986, 100 Stat. 896, §2331; amended Pub. L. 101-519, §132(b), Nov. 5, 1990, 104 Stat. 2250; Pub. L. 102-27, title IV, §402, Apr. 10, 1991, 105 Stat. 155; Pub. L. 102-136, §126, Oct. 25, 1991, 105 Stat. 643; renumbered §2332 and amended Pub. L. 102-572, title X, §1003(a)(1), (2), Oct. 29, 1992, 106 Stat. 4521; Pub. L. 103-322, title VI, §60022, Sept. 13, 1994, 108 Stat. 1980; Pub. L. 104-132, title VII, §705(a)(6), Apr. 24, 1996, 110 Stat. 1295.)

AMENDMENTS

1996—Subsec. (c). Pub. L. 104-132 substituted “ten years” for “five years” in concluding provisions.

1994—Subsec. (a)(1). Pub. L. 103-322 amended par. (1) generally. Prior to amendment, par. (1) read as follows: “If the killing is a murder as defined in section 1111(a) of this title, be fined under this title or imprisoned for any term of years or for life, or both so fined and so imprisoned;”.

1992—Pub. L. 102-572 renumbered section 2331 of this title as this section, substituted “Criminal penalties” for “Terrorist acts abroad against United States national” in section catchline, redesignated subsec. (e) as (d), and struck out former subsec. (d) which read as follows: “DEFINITION.—As used in this section the term ‘national of the United States’ has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).”

1991—Pub. L. 102-27, §402, as amended by Pub. L. 102-136, §126, repealed Pub. L. 101-519, §132, and amended this section to read as if Pub. L. 101-519, §132, had not been enacted, effective as of Nov. 5, 1990, the date of enactment of Pub. L. 101-519. See Codification note preceding this section.

1990—Pub. L. 101-519, §132, which amended this section, was repealed by Pub. L. 102-27, §402, as amended. See 1991 Amendment note above.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-572 applicable to any pending case or any cause of action arising on or after 4 years before Oct. 29, 1992, see section 1003(c) of Pub. L. 102-572, set out as an Effective Date note under section 2331 of this title.

§ 2332a. Use of weapons of mass destruction

(a) **OFFENSE AGAINST A NATIONAL OF THE UNITED STATES OR WITHIN THE UNITED STATES.**—A person who, without lawful authority, uses, threatens, or attempts or conspires to use, a weapon of mass destruction—

(1) against a national of the United States while such national is outside of the United States;

(2) against any person or property within the United States, and

(A) the mail or any facility of interstate or foreign commerce is used in furtherance of the offense;

(B) such property is used in interstate or foreign commerce or in an activity that affects interstate or foreign commerce;

(C) any perpetrator travels in or causes another to travel in interstate or foreign commerce in furtherance of the offense; or

(D) the offense, or the results of the offense, affect interstate or foreign commerce, or, in the case of a threat, attempt, or conspiracy, would have affected interstate or foreign commerce;

(3) against any property that is owned, leased or used by the United States or by any department or agency of the United States, whether the property is within or outside of the United States; or

(4) against any property within the United States that is owned, leased, or used by a foreign government,

shall be imprisoned for any term of years or for life, and if death results, shall be punished by death or imprisoned for any term of years or for life.

(b) **OFFENSE BY NATIONAL OF THE UNITED STATES OUTSIDE OF THE UNITED STATES.**—Any

national of the United States who, without lawful authority, uses, or threatens, attempts, or conspires to use, a weapon of mass destruction outside of the United States shall be imprisoned for any term of years or for life, and if death results, shall be punished by death, or by imprisonment for any term of years or for life.

(c) DEFINITIONS.—For purposes of this section—

(1) the term “national of the United States” has the meaning given in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

(2) the term “weapon of mass destruction” means—

(A) any destructive device as defined in section 921 of this title;

(B) any weapon that is designed or intended to cause death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals, or their precursors;

(C) any weapon involving a biological agent, toxin, or vector (as those terms are defined in section 178 of this title); or

(D) any weapon that is designed to release radiation or radioactivity at a level dangerous to human life; and

(3) the term “property” includes all real and personal property.

(Added Pub. L. 103-322, title VI, §60023(a), Sept. 13, 1994, 108 Stat. 1980; amended Pub. L. 104-132, title V, §511(c), title VII, §725, Apr. 24, 1996, 110 Stat. 1284, 1300; Pub. L. 104-294, title VI, §605(m), Oct. 11, 1996, 110 Stat. 3510; Pub. L. 105-277, div. I, title II, §201(b)(1), Oct. 21, 1998, 112 Stat. 2681-871; Pub. L. 107-188, title II, §231(d), June 12, 2002, 116 Stat. 661; Pub. L. 108-458, title VI, §6802(a), (b), Dec. 17, 2004, 118 Stat. 3766, 3767.)

AMENDMENTS

2004—Pub. L. 108-458, §6802(b)(1), struck out “certain” before “weapons” in section catchline.

Subsec. (a). Pub. L. 108-458, §6802(b)(2), struck out “(other than a chemical weapon as that term is defined in section 229F)” after “mass destruction” in introductory provisions.

Subsec. (a)(2). Pub. L. 108-458, §6802(a)(1), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “against any person within the United States, and the results of such use affect interstate or foreign commerce or, in the case of a threat, attempt, or conspiracy, would have affected interstate or foreign commerce; or”.

Subsec. (a)(4). Pub. L. 108-458, §6802(a)(2), (3), added par. (4).

Subsec. (b). Pub. L. 108-458, §6802(b)(3), struck out “(other than a chemical weapon (as that term is defined in section 229F))” after “mass destruction”.

Subsec. (c)(3). Pub. L. 108-458, §6802(a)(4)–(6), added par. (3).

2002—Subsec. (a). Pub. L. 107-188, §231(d)(1), substituted “section 229F”— for “section 229F”, including any biological agent, toxin, or vector (as those terms are defined in section 178)— in introductory provisions.

Subsec. (c)(2)(C). Pub. L. 107-188, §231(d)(2), substituted “a biological agent, toxin, or vector (as those terms are defined in section 178 of this title)” for “a disease organism”.

1998—Pub. L. 105-277, §201(b)(1)(A), inserted “certain” before “weapons” in section catchline.

Subsec. (a). Pub. L. 105-277, §201(b)(1)(B), inserted “(other than a chemical weapon as that term is defined

in section 229F)” after “weapon of mass destruction” in introductory provisions.

Subsec. (b). Pub. L. 105-277, §201(b)(1)(C), inserted “(other than a chemical weapon (as that term is defined in section 229F))” after “weapon of mass destruction”.

1996—Subsec. (a). Pub. L. 104-132, §§511(c), 725(1)(A), (B), in heading, inserted “AGAINST A NATIONAL OF THE UNITED STATES OR WITHIN THE UNITED STATES” after “OFFENSE”, and in introductory provisions, substituted “, without lawful authority, uses, threatens, or attempts” for “uses, or attempts” and inserted “, including any biological agent, toxin, or vector (as those terms are defined in section 178)” after “mass destruction”.

Subsec. (a)(2). Pub. L. 104-132, §725(1)(C), inserted before semicolon at end “, and the results of such use affect interstate or foreign commerce or, in the case of a threat, attempt, or conspiracy, would have affected interstate or foreign commerce”.

Subsec. (b). Pub. L. 104-132, §725(4), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (b)(2)(B). Pub. L. 104-132, §725(2), as amended by Pub. L. 104-294, §605(m), added subpar. (B) and struck out former subpar. (B) which read as follows: “poison gas;”.

Subsec. (c). Pub. L. 104-132, §725(3), redesignated subsec. (b) as (c).

§ 2332b. Acts of terrorism transcending national boundaries

(a) PROHIBITED ACTS.—

(1) OFFENSES.—Whoever, involving conduct transcending national boundaries and in a circumstance described in subsection (b)—

(A) kills, kidnaps, maims, commits an assault resulting in serious bodily injury, or assaults with a dangerous weapon any person within the United States; or

(B) creates a substantial risk of serious bodily injury to any other person by destroying or damaging any structure, conveyance, or other real or personal property within the United States or by attempting or conspiring to destroy or damage any structure, conveyance, or other real or personal property within the United States;

in violation of the laws of any State, or the United States, shall be punished as prescribed in subsection (c).

(2) TREATMENT OF THREATS, ATTEMPTS AND CONSPIRACIES.—Whoever threatens to commit an offense under paragraph (1), or attempts or conspires to do so, shall be punished under subsection (c).

(b) JURISDICTIONAL BASES.—

(1) CIRCUMSTANCES.—The circumstances referred to in subsection (a) are—

(A) the mail or any facility of interstate or foreign commerce is used in furtherance of the offense;

(B) the offense obstructs, delays, or affects interstate or foreign commerce, or would have so obstructed, delayed, or affected interstate or foreign commerce if the offense had been consummated;

(C) the victim, or intended victim, is the United States Government, a member of the uniformed services, or any official, officer, employee, or agent of the legislative, executive, or judicial branches, or of any department or agency, of the United States;

(D) the structure, conveyance, or other real or personal property is, in whole or in

part, owned, possessed, or leased to the United States, or any department or agency of the United States;

(E) the offense is committed in the territorial sea (including the airspace above and the seabed and subsoil below, and artificial islands and fixed structures erected thereon) of the United States; or

(F) the offense is committed within the special maritime and territorial jurisdiction of the United States.

(2) CO-CONSPIRATORS AND ACCESSORIES AFTER THE FACT.—Jurisdiction shall exist over all principals and co-conspirators of an offense under this section, and accessories after the fact to any offense under this section, if at least one of the circumstances described in subparagraphs (A) through (F) of paragraph (1) is applicable to at least one offender.

(c) PENALTIES.—

(1) PENALTIES.—Whoever violates this section shall be punished—

(A) for a killing, or if death results to any person from any other conduct prohibited by this section, by death, or by imprisonment for any term of years or for life;

(B) for kidnapping, by imprisonment for any term of years or for life;

(C) for maiming, by imprisonment for not more than 35 years;

(D) for assault with a dangerous weapon or assault resulting in serious bodily injury, by imprisonment for not more than 30 years;

(E) for destroying or damaging any structure, conveyance, or other real or personal property, by imprisonment for not more than 25 years;

(F) for attempting or conspiring to commit an offense, for any term of years up to the maximum punishment that would have applied had the offense been completed; and

(G) for threatening to commit an offense under this section, by imprisonment for not more than 10 years.

(2) CONSECUTIVE SENTENCE.—Notwithstanding any other provision of law, the court shall not place on probation any person convicted of a violation of this section; nor shall the term of imprisonment imposed under this section run concurrently with any other term of imprisonment.

(d) PROOF REQUIREMENTS.—The following shall apply to prosecutions under this section:

(1) KNOWLEDGE.—The prosecution is not required to prove knowledge by any defendant of a jurisdictional base alleged in the indictment.

(2) STATE LAW.—In a prosecution under this section that is based upon the adoption of State law, only the elements of the offense under State law, and not any provisions pertaining to criminal procedure or evidence, are adopted.

(e) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction—

(1) over any offense under subsection (a), including any threat, attempt, or conspiracy to commit such offense; and

(2) over conduct which, under section 3, renders any person an accessory after the fact to an offense under subsection (a).

(f) INVESTIGATIVE AUTHORITY.—In addition to any other investigative authority with respect to violations of this title, the Attorney General shall have primary investigative responsibility for all Federal crimes of terrorism, and any violation of section 351(e), 844(e), 844(f)(1), 956(b), 1361, 1366(b), 1366(c), 1751(e), 2152, or 2156 of this title, and the Secretary of the Treasury shall assist the Attorney General at the request of the Attorney General. Nothing in this section shall be construed to interfere with the authority of the United States Secret Service under section 3056.

(g) DEFINITIONS.—As used in this section—

(1) the term “conduct transcending national boundaries” means conduct occurring outside of the United States in addition to the conduct occurring in the United States;

(2) the term “facility of interstate or foreign commerce” has the meaning given that term in section 1958(b)(2);

(3) the term “serious bodily injury” has the meaning given that term in section 1365(g)(3);¹

(4) the term “territorial sea of the United States” means all waters extending seaward to 12 nautical miles from the baselines of the United States, determined in accordance with international law; and

(5) the term “Federal crime of terrorism” means an offense that—

(A) is calculated to influence or affect the conduct of government by intimidation or coercion, or to retaliate against government conduct; and

(B) is a violation of—

(i) section 32 (relating to destruction of aircraft or aircraft facilities), 37 (relating to violence at international airports), 81 (relating to arson within special maritime and territorial jurisdiction), 175 or 175b (relating to biological weapons), 175c (relating to variola virus), 229 (relating to chemical weapons), subsection (a), (b), (c), or (d) of section 351 (relating to congressional, cabinet, and Supreme Court assassination and kidnaping), 831 (relating to nuclear materials), 832 (relating to participation in nuclear and weapons of mass destruction threats to the United States),² 842(m) or (n) (relating to plastic explosives), 844(f)(2) or (3) (relating to arson and bombing of Government property risking or causing death), 844(i) (relating to arson and bombing of property used in interstate commerce), 930(c) (relating to killing or attempted killing during an attack on a Federal facility with a dangerous weapon), 956(a)(1) (relating to conspiracy to murder, kidnap, or maim persons abroad), 1030(a)(1) (relating to protection of computers), 1030(a)(5)(A) resulting in damage as defined in 1030(c)(4)(A)(i)(II) through (VI) (relating to protection of computers), 1114 (relating to killing or attempted killing of officers and employees of the United States), 1116 (relating to murder or manslaughter of foreign officials, official guests, or internationally protected persons), 1203 (relat-

¹ See References in Text note below.

² So in original. Probably should be followed by a comma.

ing to hostage taking), 1361 (relating to government property or contracts), 1362 (relating to destruction of communication lines, stations, or systems), 1363 (relating to injury to buildings or property within special maritime and territorial jurisdiction of the United States), 1366(a) (relating to destruction of an energy facility), 1751(a), (b), (c), or (d) (relating to Presidential and Presidential staff assassination and kidnaping), 1992 (relating to terrorist attacks and other acts of violence against railroad carriers and against mass transportation systems on land, on water, or through the air), 2155 (relating to destruction of national defense materials, premises, or utilities), 2156 (relating to national defense material, premises, or utilities), 2280 (relating to violence against maritime navigation), 2281 (relating to violence against maritime fixed platforms), 2332 (relating to certain homicides and other violence against United States nationals occurring outside of the United States), 2332a (relating to use of weapons of mass destruction), 2332b (relating to acts of terrorism transcending national boundaries), 2332f (relating to bombing of public places and facilities), 2332g (relating to missile systems designed to destroy aircraft), 2332h (relating to radiological dispersal devices), 2339 (relating to harboring terrorists), 2339A (relating to providing material support to terrorists), 2339B (relating to providing material support to terrorist organizations), 2339C (relating to financing of terrorism), 2339D (relating to military-type training from a foreign terrorist organization), or 2340A (relating to torture) of this title;

(ii) sections 92 (relating to prohibitions governing atomic weapons) or 236 (relating to sabotage of nuclear facilities or fuel) of the Atomic Energy Act of 1954 (42 U.S.C. 2122 or 2284);

(iii) section 46502 (relating to aircraft piracy), the second sentence of section 46504 (relating to assault on a flight crew with a dangerous weapon), section 46505(b)(3) or (c) (relating to explosive or incendiary devices, or endangerment of human life by means of weapons, on aircraft), section 46506 if homicide or attempted homicide is involved (relating to application of certain criminal laws to acts on aircraft), or section 60123(b) (relating to destruction of interstate gas or hazardous liquid pipeline facility) of title 49; or

(iv) section 1010A of the Controlled Substances Import and Export Act (relating to narco-terrorism).

(Added Pub. L. 104-132, title VII, §702(a), Apr. 24, 1996, 110 Stat. 1291; amended Pub. L. 104-294, title VI, §601(s)(1), (3), Oct. 11, 1996, 110 Stat. 3502; Pub. L. 107-56, title VIII, §808, Oct. 26, 2001, 115 Stat. 378; Pub. L. 107-197, title III, §301(b), June 25, 2002, 116 Stat. 728; Pub. L. 108-458, title VI, §§6603(a)(1), 6803(c)(3), 6908, Dec. 17, 2004, 118 Stat. 3762, 3769, 3774; Pub. L. 109-177, title I, §§110(b)(3)(A), 112, Mar. 9, 2006, 120 Stat. 208, 209;

Pub. L. 110-326, title II, §204(b), Sept. 26, 2008, 122 Stat. 3562.)

REFERENCES IN TEXT

Section 1365(g)(3), referred to in subsec. (g)(3), was redesignated section 1365(h)(3) by Pub. L. 107-307, §2(1), Dec. 2, 2002, 116 Stat. 2445.

Section 1010A of the Controlled Substances Import and Export Act, referred to in subsec. (g)(5)(B)(iv), is classified to section 960a of Title 21, Food and Drugs.

AMENDMENTS

2008—Subsec. (g)(5)(B)(i). Pub. L. 110-326 substituted “1030(a)(5)(A) resulting in damage as defined in 1030(c)(4)(A)(i)(II) through (VI)” for “1030(a)(5)(A)(i) resulting in damage as defined in 1030(a)(5)(B)(ii) through (v)”.

2006—Subsec. (g)(5)(B)(i). Pub. L. 109-177, §§110(b)(3)(A), 112(a)(1), (b), substituted “1992 (relating to terrorist attacks and other acts of violence against railroad carriers and against mass transportation systems on land, on water, or through the air),” for “1992 (relating to wrecking trains), 1993 (relating to terrorist attacks and other acts of violence against mass transportation systems),” and “terrorism,” 2339D (relating to military-type training from a foreign terrorist organization), or 2340A” for “terrorism, or 2340A”.

Subsec. (g)(5)(B)(iv). Pub. L. 109-177, §112(a)(2)–(4), added cl. (iv).

2004—Subsec. (g)(5)(B)(i). Pub. L. 108-458, §6908(1), inserted “175c (relating to variola virus),” after “175 or 175b (relating to biological weapons),” and “2332g (relating to missile systems designed to destroy aircraft), 2332h (relating to radiological dispersal devices),” before “2339 (relating to harboring terrorists)”.

Pub. L. 108-458, §6803(c)(3), inserted “832 (relating to participation in nuclear and weapons of mass destruction threats to the United States)” after “831 (relating to nuclear materials),”.

Pub. L. 108-458, §6603(a)(1), inserted “1361 (relating to government property or contracts),” after “1203 (relating to hostage taking),” and “2156 (relating to national defense material, premises, or utilities),” after “2155 (relating to destruction of national defense materials, premises, or utilities),”.

Subsec. (g)(5)(B)(ii). Pub. L. 108-458, §6908(2), substituted “sections 92 (relating to prohibitions governing atomic weapons) or” for “section” and inserted “2122 or” before “2284”.

2002—Subsec. (g)(5)(B)(i). Pub. L. 107-197 inserted “2332f (relating to bombing of public places and facilities),” after “2332b (relating to acts of terrorism transcending national boundaries),” and “2339C (relating to financing of terrorism,” after “2339B (relating to providing material support to terrorist organizations),”.

2001—Subsec. (f). Pub. L. 107-56, §808(1), inserted “and any violation of section 351(e), 844(e), 844(f)(1), 956(b), 1361, 1366(b), 1366(c), 1751(e), 2152, or 2156 of this title,” before “and the Secretary”.

Subsec. (g)(5)(B)(i) to (iii). Pub. L. 107-56, §808(2), added cls. (i) to (iii) and struck out former cls. (i) to (iii), inserting references to sections 175b, 229, 1030, 1993, and 2339 of this title and striking out references to 1361, 2152, 2156, 2332c of this title in cl. (i) and inserting references to sections 46504, 46505, and 46506 of title 49 in cl. (iii).

1996—Subsec. (b)(1)(A). Pub. L. 104-294, §601(s)(1), struck out “any of the offenders uses” before “the mail or any facility” and inserted “is used” after “foreign commerce”.

Subsec. (g)(5)(B)(i). Pub. L. 104-294, §601(s)(3), inserted “930(c),” before “956 (relating to conspiracy to injure property of a foreign government),” “1992,” before “2152 (relating to injury of fortifications, harbor defenses, or defensive sea areas),” and “2332c,” before “2339A (relating to providing material support to terrorists)”.

TERMINATION DATE OF 2004 AMENDMENT

Pub. L. 108-458, title VI, §6603(g), Dec. 17, 2004, 118 Stat. 3764, which provided that section 6603 of Pub. L.

108-458 (amending this section and sections 2339A and 2339B of this title) and the amendments made by section 6603 would cease to be effective on Dec. 31, 2006, with certain exceptions, was repealed by Pub. L. 109-177, title I, § 104, Mar. 9, 2006, 120 Stat. 195.

TRANSFER OF FUNCTIONS

For transfer of the functions, personnel, assets, and obligations of the United States Secret Service, including the functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 381, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

TERRITORIAL SEA OF UNITED STATES

For extension of territorial sea of United States, see Proc. No. 5928, set out as a note under section 1331 of Title 43, Public Lands.

[§ 2332c. Repealed. Pub. L. 105-277, div. I, title II, § 201(c)(1), Oct. 21, 1998, 112 Stat. 2681-871]

Section, added Pub. L. 104-132, title V, § 521(a), Apr. 24, 1996, 110 Stat. 1286, related to use of chemical weapons.

§ 2332d. Financial transactions

(a) OFFENSE.—Except as provided in regulations issued by the Secretary of the Treasury, in consultation with the Secretary of State, whoever, being a United States person, knowing or having reasonable cause to know that a country is designated under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405) as a country supporting international terrorism, engages in a financial transaction with the government of that country, shall be fined under this title, imprisoned for not more than 10 years, or both.

(b) DEFINITIONS.—As used in this section—

(1) the term “financial transaction” has the same meaning as in section 1956(c)(4); and

(2) the term “United States person” means any—

- (A) United States citizen or national;
- (B) permanent resident alien;
- (C) juridical person organized under the laws of the United States; or
- (D) any person in the United States.

(Added Pub. L. 104-132, title III, § 321(a), Apr. 24, 1996, 110 Stat. 1254; amended Pub. L. 107-273, div. B, title IV, § 4002(a)(5), Nov. 2, 2002, 116 Stat. 1806.)

CODIFICATION

Another section 2332d was renumbered section 2332e of this title.

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-273 inserted “of 1979” after “Export Administration Act”.

EFFECTIVE DATE

Section 321(c) of Pub. L. 104-132 provided that: “The amendments made by this section [enacting this section] shall become effective 120 days after the date of enactment of this Act [Apr. 24, 1996].”

§ 2332e. Requests for military assistance to enforce prohibition in certain emergencies

The Attorney General may request the Secretary of Defense to provide assistance under

section 382 of title 10 in support of Department of Justice activities relating to the enforcement of section 2332a of this title during an emergency situation involving a weapon of mass destruction. The authority to make such a request may be exercised by another official of the Department of Justice in accordance with section 382(f)(2) of title 10.

(Added Pub. L. 104-201, title XIV, § 1416(c)(2)(A), Sept. 23, 1996, 110 Stat. 2723, § 2332d; renumbered § 2332e, Pub. L. 104-294, title VI, § 605(q), Oct. 11, 1996, 110 Stat. 3510; amended Pub. L. 107-56, title I, § 104, Oct. 26, 2001, 115 Stat. 277.)

CODIFICATION

Pub. L. 104-201, § 1416(c)(2)(A), which directed amendment of the chapter 133B of this title that relates to terrorism by adding this section, was executed by adding this section to this chapter to reflect the probable intent of Congress. This title does not contain a chapter 133B.

AMENDMENTS

2001—Pub. L. 107-56 substituted “2332a of this title” for “2332c of this title” and struck out “chemical” before “weapon of”.

1996—Pub. L. 104-294 renumbered section 2332d of this title, relating to requests for military assistance to enforce prohibition in certain emergencies, as this section.

§ 2332f. Bombings of places of public use, government facilities, public transportation systems and infrastructure facilities

(a) OFFENSES.—

(1) IN GENERAL.—Whoever unlawfully delivers, places, discharges, or detonates an explosive or other lethal device in, into, or against a place of public use, a state or government facility, a public transportation system, or an infrastructure facility—

(A) with the intent to cause death or serious bodily injury, or

(B) with the intent to cause extensive destruction of such a place, facility, or system, where such destruction results in or is likely to result in major economic loss,

shall be punished as prescribed in subsection (c).

(2) ATTEMPTS AND CONSPIRACIES.—Whoever attempts or conspires to commit an offense under paragraph (1) shall be punished as prescribed in subsection (c).

(b) JURISDICTION.—There is jurisdiction over the offenses in subsection (a) if—

(1) the offense takes place in the United States and—

(A) the offense is committed against another state or a government facility of such state, including its embassy or other diplomatic or consular premises of that state;

(B) the offense is committed in an attempt to compel another state or the United States to do or abstain from doing any act;

(C) at the time the offense is committed, it is committed—

(i) on board a vessel flying the flag of another state;

(ii) on board an aircraft which is registered under the laws of another state; or

(iii) on board an aircraft which is operated by the government of another state;

(D) a perpetrator is found outside the United States;

(E) a perpetrator is a national of another state or a stateless person; or

(F) a victim is a national of another state or a stateless person;

(2) the offense takes place outside the United States and—

(A) a perpetrator is a national of the United States or is a stateless person whose habitual residence is in the United States;

(B) a victim is a national of the United States;

(C) a perpetrator is found in the United States;

(D) the offense is committed in an attempt to compel the United States to do or abstain from doing any act;

(E) the offense is committed against a state or government facility of the United States, including an embassy or other diplomatic or consular premises of the United States;

(F) the offense is committed on board a vessel flying the flag of the United States or an aircraft which is registered under the laws of the United States at the time the offense is committed; or

(G) the offense is committed on board an aircraft which is operated by the United States.

(c) **PENALTIES.**—Whoever violates this section shall be punished as provided under section 2332a(a) of this title.

(d) **EXEMPTIONS TO JURISDICTION.**—This section does not apply to—

(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law.

(2) activities undertaken by military forces of a state in the exercise of their official duties; or

(3) offenses committed within the United States, where the alleged offender and the victims are United States citizens and the alleged offender is found in the United States, or where jurisdiction is predicated solely on the nationality of the victims or the alleged offender and the offense has no substantial effect on interstate or foreign commerce.

(e) **DEFINITIONS.**—As used in this section, the term—

(1) “serious bodily injury” has the meaning given that term in section 1365(g)(3) of this title;¹

(2) “national of the United States” has the meaning given that term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

(3) “state or government facility” includes any permanent or temporary facility or conveyance that is used or occupied by representatives of a state, members of Government, the legislature or the judiciary or by officials or employees of a state or any other public authority or entity or by employees or officials of an intergovernmental organization in connection with their official duties;

(4) “intergovernmental organization” includes international organization (as defined in section 1116(b)(5) of this title);

(5) “infrastructure facility” means any publicly or privately owned facility providing or distributing services for the benefit of the public, such as water, sewage, energy, fuel, or communications;

(6) “place of public use” means those parts of any building, land, street, waterway, or other location that are accessible or open to members of the public, whether continuously, periodically, or occasionally, and encompasses any commercial, business, cultural, historical, educational, religious, governmental, entertainment, recreational, or similar place that is so accessible or open to the public;

(7) “public transportation system” means all facilities, conveyances, and instrumentalities, whether publicly or privately owned, that are used in or for publicly available services for the transportation of persons or cargo;

(8) “explosive” has the meaning given in section 844(j) of this title insofar that it is designed, or has the capability, to cause death, serious bodily injury, or substantial material damage;

(9) “other lethal device” means any weapon or device that is designed or has the capability to cause death, serious bodily injury, or substantial damage to property through the release, dissemination, or impact of toxic chemicals, biological agents, or toxins (as those terms are defined in section 178 of this title) or radiation or radioactive material;

(10) “military forces of a state” means the armed forces of a state which are organized, trained, and equipped under its internal law for the primary purpose of national defense or security, and persons acting in support of those armed forces who are under their formal command, control, and responsibility;

(11) “armed conflict” does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature; and

(12) “state” has the same meaning as that term has under international law, and includes all political subdivisions thereof.

(Added Pub. L. 107–197, title I, §102(a), June 25, 2002, 116 Stat. 721.)

REFERENCES IN TEXT

Section 1365(g)(3), referred to in subsec. (e)(1), was redesignated section 1365(h)(3) by Pub. L. 107–307, §2(1), Dec. 2, 2002, 116 Stat. 2445.

EFFECTIVE DATE

Pub. L. 107–197, title I, §103, June 25, 2002, 116 Stat. 724, provided that: “Section 102 [enacting this section and provisions set out as a note below] shall take effect on the date that the International Convention for the Suppression of Terrorist Bombings enters into force for the United States [July 26, 2002].”

DISCLAIMER

Pub. L. 107–197, title I, §102(c), June 25, 2002, 116 Stat. 724, provided that: “Nothing contained in this section [enacting this section and provisions set out as a note above] is intended to affect the applicability of any other Federal or State law which might pertain to the underlying conduct.”

¹ See References in Text note below.

§ 2332g. Missile systems designed to destroy aircraft

(a) UNLAWFUL CONDUCT.—

(1) IN GENERAL.—Except as provided in paragraph (3), it shall be unlawful for any person to knowingly produce, construct, otherwise acquire, transfer directly or indirectly, receive, possess, import, export, or use, or possess and threaten to use—

(A) an explosive or incendiary rocket or missile that is guided by any system designed to enable the rocket or missile to—

(i) seek or proceed toward energy radiated or reflected from an aircraft or toward an image locating an aircraft; or

(ii) otherwise direct or guide the rocket or missile to an aircraft;

(B) any device designed or intended to launch or guide a rocket or missile described in subparagraph (A); or

(C) any part or combination of parts designed or redesigned for use in assembling or fabricating a rocket, missile, or device described in subparagraph (A) or (B).

(2) NONWEAPON.—Paragraph (1)(A) does not apply to any device that is neither designed nor redesigned for use as a weapon.

(3) EXCLUDED CONDUCT.—This subsection does not apply with respect to—

(A) conduct by or under the authority of the United States or any department or agency thereof or of a State or any department or agency thereof; or

(B) conduct pursuant to the terms of a contract with the United States or any department or agency thereof or with a State or any department or agency thereof.

(b) JURISDICTION.—Conduct prohibited by subsection (a) is within the jurisdiction of the United States if—

(1) the offense occurs in or affects interstate or foreign commerce;

(2) the offense occurs outside of the United States and is committed by a national of the United States;

(3) the offense is committed against a national of the United States while the national is outside the United States;

(4) the offense is committed against any property that is owned, leased, or used by the United States or by any department or agency of the United States, whether the property is within or outside the United States; or

(5) an offender aids or abets any person over whom jurisdiction exists under this subsection in committing an offense under this section or conspires with any person over whom jurisdiction exists under this subsection to commit an offense under this section.

(c) CRIMINAL PENALTIES.—

(1) IN GENERAL.—Any person who violates, or attempts or conspires to violate, subsection (a) shall be fined not more than \$2,000,000 and shall be sentenced to a term of imprisonment not less than 25 years or to imprisonment for life.

(2) OTHER CIRCUMSTANCES.—Any person who, in the course of a violation of subsection (a), uses, attempts or conspires to use, or possesses

and threatens to use, any item or items described in subsection (a), shall be fined not more than \$2,000,000 and imprisoned for not less than 30 years or imprisoned for life.

(3) SPECIAL CIRCUMSTANCES.—If the death of another results from a person's violation of subsection (a), the person shall be fined not more than \$2,000,000 and punished by imprisonment for life.

(d) DEFINITION.—As used in this section, the term "aircraft" has the definition set forth in section 40102(a)(6) of title 49, United States Code.

(Added Pub. L. 108-458, title VI, §6903, Dec. 17, 2004, 118 Stat. 3770.)

§ 2332h. Radiological dispersal devices

(a) UNLAWFUL CONDUCT.—

(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for any person to knowingly produce, construct, otherwise acquire, transfer directly or indirectly, receive, possess, import, export, or use, or possess and threaten to use—

(A) any weapon that is designed or intended to release radiation or radioactivity at a level dangerous to human life; or

(B) any device or other object that is capable of and designed or intended to endanger human life through the release of radiation or radioactivity.

(2) EXCEPTION.—This subsection does not apply with respect to—

(A) conduct by or under the authority of the United States or any department or agency thereof; or

(B) conduct pursuant to the terms of a contract with the United States or any department or agency thereof.

(b) JURISDICTION.—Conduct prohibited by subsection (a) is within the jurisdiction of the United States if—

(1) the offense occurs in or affects interstate or foreign commerce;

(2) the offense occurs outside of the United States and is committed by a national of the United States;

(3) the offense is committed against a national of the United States while the national is outside the United States;

(4) the offense is committed against any property that is owned, leased, or used by the United States or by any department or agency of the United States, whether the property is within or outside the United States; or

(5) an offender aids or abets any person over whom jurisdiction exists under this subsection in committing an offense under this section or conspires with any person over whom jurisdiction exists under this subsection to commit an offense under this section.

(c) CRIMINAL PENALTIES.—

(1) IN GENERAL.—Any person who violates, or attempts or conspires to violate, subsection (a) shall be fined not more than \$2,000,000 and shall be sentenced to a term of imprisonment not less than 25 years or to imprisonment for life.

(2) OTHER CIRCUMSTANCES.—Any person who, in the course of a violation of subsection (a),

uses, attempts or conspires to use, or possesses and threatens to use, any item or items described in subsection (a), shall be fined not more than \$2,000,000 and imprisoned for not less than 30 years or imprisoned for life.

(3) SPECIAL CIRCUMSTANCES.—If the death of another results from a person's violation of subsection (a), the person shall be fined not more than \$2,000,000 and punished by imprisonment for life.

(Added Pub. L. 108-458, title VI, §6905, Dec. 17, 2004, 118 Stat. 3772.)

§ 2333. Civil remedies

(a) ACTION AND JURISDICTION.—Any national of the United States injured in his or her person, property, or business by reason of an act of international terrorism, or his or her estate, survivors, or heirs, may sue therefor in any appropriate district court of the United States and shall recover threefold the damages he or she sustains and the cost of the suit, including attorney's fees.

(b) ESTOPPEL UNDER UNITED STATES LAW.—A final judgment or decree rendered in favor of the United States in any criminal proceeding under section 1116, 1201, 1203, or 2332 of this title or section 46314, 46502, 46505, or 46506 of title 49 shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding under this section.

(c) ESTOPPEL UNDER FOREIGN LAW.—A final judgment or decree rendered in favor of any foreign state in any criminal proceeding shall, to the extent that such judgment or decree may be accorded full faith and credit under the law of the United States, estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding under this section.

(Added Pub. L. 102-572, title X, §1003(a)(4), Oct. 29, 1992, 106 Stat. 4522; amended Pub. L. 103-429, §2(1), Oct. 31, 1994, 108 Stat. 4377.)

AMENDMENTS

1994—Subsec. (b). Pub. L. 103-429 substituted “section 46314, 46502, 46505, or 46506 of title 49” for “section 902(i), (k), (l), (n), or (r) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1472(i), (k), (l), (n), or (r))”.

EFFECTIVE DATE

Section applicable to any pending case or any cause of action arising on or after 4 years before Oct. 29, 1992, see section 1003(c) of Pub. L. 102-572, set out as a note under section 2331 of this title.

§ 2334. Jurisdiction and venue

(a) GENERAL VENUE.—Any civil action under section 2333 of this title against any person may be instituted in the district court of the United States for any district where any plaintiff resides or where any defendant resides or is served, or has an agent. Process in such a civil action may be served in any district where the defendant resides, is found, or has an agent.

(b) SPECIAL MARITIME OR TERRITORIAL JURISDICTION.—If the actions giving rise to the claim occurred within the special maritime and territorial jurisdiction of the United States, as defined in section 7 of this title, then any civil ac-

tion under section 2333 of this title against any person may be instituted in the district court of the United States for any district in which any plaintiff resides or the defendant resides, is served, or has an agent.

(c) SERVICE ON WITNESSES.—A witness in a civil action brought under section 2333 of this title may be served in any other district where the defendant resides, is found, or has an agent.

(d) CONVENIENCE OF THE FORUM.—The district court shall not dismiss any action brought under section 2333 of this title on the grounds of the inconvenience or inappropriateness of the forum chosen, unless—

(1) the action may be maintained in a foreign court that has jurisdiction over the subject matter and over all the defendants;

(2) that foreign court is significantly more convenient and appropriate; and

(3) that foreign court offers a remedy which is substantially the same as the one available in the courts of the United States.

(Added Pub. L. 102-572, title X, §1003(a)(4), Oct. 29, 1992, 106 Stat. 4522.)

EFFECTIVE DATE

Section applicable to any pending case or any cause of action arising on or after 4 years before Oct. 29, 1992, see section 1003(c) of Pub. L. 102-572, set out as a note under section 2331 of this title.

§ 2335. Limitation of actions

(a) IN GENERAL.—Subject to subsection (b), a suit for recovery of damages under section 2333 of this title shall not be maintained unless commenced within 4 years after the date the cause of action accrued.

(b) CALCULATION OF PERIOD.—The time of the absence of the defendant from the United States or from any jurisdiction in which the same or a similar action arising from the same facts may be maintained by the plaintiff, or of any concealment of the defendant's whereabouts, shall not be included in the 4-year period set forth in subsection (a).

(Added Pub. L. 102-572, title X, §1003(a)(4), Oct. 29, 1992, 106 Stat. 4523.)

EFFECTIVE DATE

Section applicable to any pending case or any cause of action arising on or after 4 years before Oct. 29, 1992, see section 1003(c) of Pub. L. 102-572, set out as a note under section 2331 of this title.

§ 2336. Other limitations

(a) ACTS OF WAR.—No action shall be maintained under section 2333 of this title for injury or loss by reason of an act of war.

(b) LIMITATION ON DISCOVERY.—If a party to an action under section 2333 seeks to discover the investigative files of the Department of Justice, the Assistant Attorney General, Deputy Attorney General, or Attorney General may object on the ground that compliance will interfere with a criminal investigation or prosecution of the incident, or a national security operation related to the incident, which is the subject of the civil litigation. The court shall evaluate any such objections in camera and shall stay the discovery if the court finds that granting the discovery re-

quest will substantially interfere with a criminal investigation or prosecution of the incident or a national security operation related to the incident. The court shall consider the likelihood of criminal prosecution by the Government and other factors it deems to be appropriate. A stay of discovery under this subsection shall constitute a bar to the granting of a motion to dismiss under rules 12(b)(6) and 56 of the Federal Rules of Civil Procedure. If the court grants a stay of discovery under this subsection, it may stay the action in the interests of justice.

(c) **STAY OF ACTION FOR CIVIL REMEDIES.**—(1) The Attorney General may intervene in any civil action brought under section 2333 for the purpose of seeking a stay of the civil action. A stay shall be granted if the court finds that the continuation of the civil action will substantially interfere with a criminal prosecution which involves the same subject matter and in which an indictment has been returned, or interfere with national security operations related to the terrorist incident that is the subject of the civil action. A stay may be granted for up to 6 months. The Attorney General may petition the court for an extension of the stay for additional 6-month periods until the criminal prosecution is completed or dismissed.

(2) In a proceeding under this subsection, the Attorney General may request that any order issued by the court for release to the parties and the public omit any reference to the basis on which the stay was sought.

(Added Pub. L. 102-572, title X, §1003(a)(4), Oct. 29, 1992, 106 Stat. 4523.)

REFERENCES IN TEXT

The Federal Rules of Civil Procedure, referred to in subsec. (b), are set out in the Appendix to Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE

Section applicable to any pending case or any cause of action arising on or after 4 years before Oct. 29, 1992, see section 1003(c) of Pub. L. 102-572, set out as a note under section 2331 of this title.

§ 2337. Suits against Government officials

No action shall be maintained under section 2333 of this title against—

(1) the United States, an agency of the United States, or an officer or employee of the United States or any agency thereof acting within his or her official capacity or under color of legal authority; or

(2) a foreign state, an agency of a foreign state, or an officer or employee of a foreign state or an agency thereof acting within his or her official capacity or under color of legal authority.

(Added Pub. L. 102-572, title X, §1003(a)(4), Oct. 29, 1992, 106 Stat. 4523.)

EFFECTIVE DATE

Section applicable to any pending case or any cause of action arising on or after 4 years before Oct. 29, 1992, see section 1003(c) of Pub. L. 102-572, set out as a note under section 2331 of this title.

§ 2338. Exclusive Federal jurisdiction

The district courts of the United States shall have exclusive jurisdiction over an action brought under this chapter.

(Added Pub. L. 102-572, title X, §1003(a)(4), Oct. 29, 1992, 106 Stat. 4524.)

EFFECTIVE DATE

Section applicable to any pending case or any cause of action arising on or after 4 years before Oct. 29, 1992, see section 1003(c) of Pub. L. 102-572, set out as a note under section 2331 of this title.

§ 2339. Harboring or concealing terrorists

(a) Whoever harbors or conceals any person who he knows, or has reasonable grounds to believe, has committed, or is about to commit, an offense under section 32 (relating to destruction of aircraft or aircraft facilities), section 175 (relating to biological weapons), section 229 (relating to chemical weapons), section 831 (relating to nuclear materials), paragraph (2) or (3) of section 844(f) (relating to arson and bombing of government property risking or causing injury or death), section 1366(a) (relating to the destruction of an energy facility), section 2280 (relating to violence against maritime navigation), section 2332a (relating to weapons of mass destruction), or section 2332b (relating to acts of terrorism transcending national boundaries) of this title, section 236(a) (relating to sabotage of nuclear facilities or fuel) of the Atomic Energy Act of 1954 (42 U.S.C. 2284(a)), or section 46502 (relating to aircraft piracy) of title 49, shall be fined under this title or imprisoned not more than ten years, or both.

(b) A violation of this section may be prosecuted in any Federal judicial district in which the underlying offense was committed, or in any other Federal judicial district as provided by law.

(Added Pub. L. 107-56, title VIII, §803(a), Oct. 26, 2001, 115 Stat. 376; amended Pub. L. 107-273, div. B, title IV, §4005(d)(2), Nov. 2, 2002, 116 Stat. 1813.)

AMENDMENTS

2002—Pub. L. 107-273 made technical correction to directory language of Pub. L. 107-56, §803(a), which enacted this section.

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-273, div. B, title IV, §4005(d)(2), Nov. 2, 2002, 116 Stat. 1813, provided that the amendment made by section 4005(d)(2) is effective Oct. 26, 2001.

§ 2339A. Providing material support to terrorists

(a) **OFFENSE.**—Whoever provides material support or resources or conceals or disguises the nature, location, source, or ownership of material support or resources, knowing or intending that they are to be used in preparation for, or in carrying out, a violation of section 32, 37, 81, 175, 229, 351, 831, 842(m) or (n), 844(f) or (i), 930(c), 956, 1091, 1114, 1116, 1203, 1361, 1362, 1363, 1366, 1751, 1992, 2155, 2156, 2280, 2281, 2332, 2332a, 2332b, 2332f, 2340A, or 2442 of this title, section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284), section 46502 or 60123(b) of title 49, or any offense listed in section 2332b(g)(5)(B) (except for sections 2339A and 2339B) or in preparation for, or in carrying out, the concealment of an escape from the commission of any such violation, or attempts or conspires to do such an act, shall be fined under this title, imprisoned not more than

15 years, or both, and, if the death of any person results, shall be imprisoned for any term of years or for life. A violation of this section may be prosecuted in any Federal judicial district in which the underlying offense was committed, or in any other Federal judicial district as provided by law.

(b) DEFINITIONS.—As used in this section—

(1) the term “material support or resources” means any property, tangible or intangible, or service, including currency or monetary instruments or financial securities, financial services, lodging, training, expert advice or assistance, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel (1 or more individuals who may be or include oneself), and transportation, except medicine or religious materials;

(2) the term “training” means instruction or teaching designed to impart a specific skill, as opposed to general knowledge; and

(3) the term “expert advice or assistance” means advice or assistance derived from scientific, technical or other specialized knowledge.

(Added Pub. L. 103-322, title XII, §120005(a), Sept. 13, 1994, 108 Stat. 2022; amended Pub. L. 104-132, title III, §323, Apr. 24, 1996, 110 Stat. 1255; Pub. L. 104-294, title VI, §§601(b)(2), (s)(2), (3), 604(b)(5), Oct. 11, 1996, 110 Stat. 3498, 3502, 3506; Pub. L. 107-56, title VIII, §§805(a), 810(c), 811(f), Oct. 26, 2001, 115 Stat. 377, 380, 381; Pub. L. 107-197, title III, §301(c), June 25, 2002, 116 Stat. 728; Pub. L. 107-273, div. B, title IV, §4002(a)(7), (c)(1), (e)(11), Nov. 2, 2002, 116 Stat. 1807, 1808, 1811; Pub. L. 108-458, title VI, §6603(a)(2), (b), Dec. 17, 2004, 118 Stat. 3762; Pub. L. 109-177, title I, §110(b)(3)(B), Mar. 9, 2006, 120 Stat. 208; Pub. L. 111-122, §3(d), Dec. 22, 2009, 123 Stat. 3481.)

AMENDMENTS

2009—Subsec. (a). Pub. L. 111-122 inserted “, 1091” after “956” and substituted “, 2340A, or 2442” for “, or 2340A”.

2006—Subsec. (a). Pub. L. 109-177 struck out “1993,” after “1992.”

2004—Subsec. (a). Pub. L. 108-458, §6603(a)(2)(B), which directed amendment of this section by inserting “or any offense listed in section 2332b(g)(5)(B) (except for sections 2339A and 2339B)” after “section 60123(b) of title 49,” was executed by making the insertion in subsec. (a) after “section 46502 or 60123(b) of title 49,” to reflect the probable intent of Congress.

Pub. L. 108-458, §6603(a)(2)(A), struck out “or” before “section 46502”.

Subsec. (b). Pub. L. 108-458, §6603(b), reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “In this section, the term ‘material support or resources’ means currency or monetary instruments or financial securities, financial services, lodging, training, expert advice or assistance, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, except medicine or religious materials.”

2002—Subsec. (a). Pub. L. 107-273, §4002(a)(7), (e)(11), struck out “2332c,” after “2332b,” and substituted “of an escape” for “or an escape”.

Pub. L. 107-197 inserted “2332f,” before “or 2340A”.

Subsec. (b). Pub. L. 107-273, §4002(c)(1), repealed amendment by Pub. L. 104-294, §601(b)(2). See 1996 Amendment note below.

2001—Subsec. (a). Pub. L. 107-56, §811(f), inserted “or attempts or conspires to do such an act,” before “shall be fined”.

Pub. L. 107-56, §810(c)(1), substituted “15 years” for “10 years”.

Pub. L. 107-56, §810(c)(2), which directed substitution of “, and, if the death of any person results, shall be imprisoned for any term of years or for life.” for period, was executed by making the substitution for the period at end of the first sentence to reflect the probable intent of Congress and the intervening amendment by section 805(a)(1)(F) of Pub. L. 107-56. See below.

Pub. L. 107-56, §805(a)(1)(F), inserted at end “A violation of this section may be prosecuted in any Federal judicial district in which the underlying offense was committed, or in any other Federal judicial district as provided by law.”

Pub. L. 107-56, §§805(a)(1)(A)–(E), struck out “, within the United States,” after “Whoever”, and inserted “229,” after “175,” “1993,” after “1992,” “, section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284),” after “2340A of this title”, and “or 60123(b)” after “section 46502”.

Subsec. (b). Pub. L. 107-56, §805(a)(2), substituted “or monetary instruments or financial securities” for “or other financial securities” and inserted “expert advice or assistance,” after “training.”

1996—Pub. L. 104-294, §604(b)(5), amended directory language of Pub. L. 103-322, §120005(a), which enacted this section.

Pub. L. 104-132 amended section generally, reenacting section catchline without change and redesignating provisions which detailed what constitutes offense, formerly contained in subsec. (b), as subsec. (a), inserting references to sections 37, 81, 175, 831, 842, 956, 1362, 1366, 2155, 2156, 2332, 2332a, 2332b, and 2340A of this title, striking out references to sections 36, 2331, and 2339 of this title, redesignating provisions which define “material support or resource”, formerly contained in subsec. (a), as subsec. (b), substituting provisions excepting medicine or religious materials from definition for provisions excepting humanitarian assistance to persons not directly involved in violations, and struck out subsec. (c) which authorized investigations into possible violations, except activities involving First Amendment rights.

Subsec. (a). Pub. L. 104-294, §601(s)(2), (3), inserted “930(c),” before “956,” “1992,” before “2155,” “2332c,” before “or 2340A of this title”, and “or an escape” after “concealment”.

Subsec. (b). Pub. L. 104-294, §601(b)(2), which directed substitution of “2332” for “2331”, “2332a” for “2339”, “37” for “36”, and “or an escape” for “of an escape” and which could not be executed after the general amendment by Pub. L. 104-132, was repealed by Pub. L. 107-273, §4002(c)(1). See above.

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-273, div. B, title IV, §4002(c)(1), Nov. 2, 2002, 116 Stat. 1808, provided that the amendment made by section 4002(c)(1) is effective Oct. 11, 1996.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by section 604(b)(5) of Pub. L. 104-294 effective Sept. 13, 1994, see section 604(d) of Pub. L. 104-294, set out as a note under section 13 of this title.

§ 2339B. Providing material support or resources to designated foreign terrorist organizations

(a) PROHIBITED ACTIVITIES.—

(1) UNLAWFUL CONDUCT.—Whoever knowingly provides material support or resources to a foreign terrorist organization, or attempts or conspires to do so, shall be fined under this title or imprisoned not more than 15 years, or both, and, if the death of any person results, shall be imprisoned for any term of years or for life. To violate this paragraph, a person

must have knowledge that the organization is a designated terrorist organization (as defined in subsection (g)(6)), that the organization has engaged or engages in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act), or that the organization has engaged or engages in terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989).

(2) **FINANCIAL INSTITUTIONS.**—Except as authorized by the Secretary, any financial institution that becomes aware that it has possession of, or control over, any funds in which a foreign terrorist organization, or its agent, has an interest, shall—

(A) retain possession of, or maintain control over, such funds; and

(B) report to the Secretary the existence of such funds in accordance with regulations issued by the Secretary.

(b) **CIVIL PENALTY.**—Any financial institution that knowingly fails to comply with subsection (a)(2) shall be subject to a civil penalty in an amount that is the greater of—

(A) \$50,000 per violation; or

(B) twice the amount of which the financial institution was required under subsection (a)(2) to retain possession or control.

(c) **INJUNCTION.**—Whenever it appears to the Secretary or the Attorney General that any person is engaged in, or is about to engage in, any act that constitutes, or would constitute, a violation of this section, the Attorney General may initiate civil action in a district court of the United States to enjoin such violation.

(d) **EXTRATERRITORIAL JURISDICTION.**—

(1) **IN GENERAL.**—There is jurisdiction over an offense under subsection (a) if—

(A) an offender is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))) or an alien lawfully admitted for permanent residence in the United States (as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)));

(B) an offender is a stateless person whose habitual residence is in the United States;

(C) after the conduct required for the offense occurs an offender is brought into or found in the United States, even if the conduct required for the offense occurs outside the United States;

(D) the offense occurs in whole or in part within the United States;

(E) the offense occurs in or affects interstate or foreign commerce; or

(F) an offender aids or abets any person over whom jurisdiction exists under this paragraph in committing an offense under subsection (a) or conspires with any person over whom jurisdiction exists under this paragraph to commit an offense under subsection (a).

(2) **EXTRATERRITORIAL JURISDICTION.**—There is extraterritorial Federal jurisdiction over an offense under this section.

(e) **INVESTIGATIONS.**—

(1) **IN GENERAL.**—The Attorney General shall conduct any investigation of a possible violation of this section, or of any license, order, or regulation issued pursuant to this section.

(2) **COORDINATION WITH THE DEPARTMENT OF THE TREASURY.**—The Attorney General shall work in coordination with the Secretary in investigations relating to—

(A) the compliance or noncompliance by a financial institution with the requirements of subsection (a)(2); and

(B) civil penalty proceedings authorized under subsection (b).

(3) **REFERRAL.**—Any evidence of a criminal violation of this section arising in the course of an investigation by the Secretary or any other Federal agency shall be referred immediately to the Attorney General for further investigation. The Attorney General shall timely notify the Secretary of any action taken on referrals from the Secretary, and may refer investigations to the Secretary for remedial licensing or civil penalty action.

(f) **CLASSIFIED INFORMATION IN CIVIL PROCEEDINGS BROUGHT BY THE UNITED STATES.**—

(1) **DISCOVERY OF CLASSIFIED INFORMATION BY DEFENDANTS.**—

(A) **REQUEST BY UNITED STATES.**—In any civil proceeding under this section, upon request made ex parte and in writing by the United States, a court, upon a sufficient showing, may authorize the United States to—

(i) redact specified items of classified information from documents to be introduced into evidence or made available to the defendant through discovery under the Federal Rules of Civil Procedure;

(ii) substitute a summary of the information for such classified documents; or

(iii) substitute a statement admitting relevant facts that the classified information would tend to prove.

(B) **ORDER GRANTING REQUEST.**—If the court enters an order granting a request under this paragraph, the entire text of the documents to which the request relates shall be sealed and preserved in the records of the court to be made available to the appellate court in the event of an appeal.

(C) **DENIAL OF REQUEST.**—If the court enters an order denying a request of the United States under this paragraph, the United States may take an immediate, interlocutory appeal in accordance with paragraph (5). For purposes of such an appeal, the entire text of the documents to which the request relates, together with any transcripts of arguments made ex parte to the court in connection therewith, shall be maintained under seal and delivered to the appellate court.

(2) **INTRODUCTION OF CLASSIFIED INFORMATION; PRECAUTIONS BY COURT.**—

(A) **EXHIBITS.**—To prevent unnecessary or inadvertent disclosure of classified information in a civil proceeding brought by the United States under this section, the United States may petition the court ex parte to

admit, in lieu of classified writings, recordings, or photographs, one or more of the following:

- (i) Copies of items from which classified information has been redacted.
- (ii) Stipulations admitting relevant facts that specific classified information would tend to prove.
- (iii) A declassified summary of the specific classified information.

(B) DETERMINATION BY COURT.—The court shall grant a request under this paragraph if the court finds that the redacted item, stipulation, or summary is sufficient to allow the defendant to prepare a defense.

(3) TAKING OF TRIAL TESTIMONY.—

(A) OBJECTION.—During the examination of a witness in any civil proceeding brought by the United States under this subsection, the United States may object to any question or line of inquiry that may require the witness to disclose classified information not previously found to be admissible.

(B) ACTION BY COURT.—In determining whether a response is admissible, the court shall take precautions to guard against the compromise of any classified information, including—

- (i) permitting the United States to provide the court, ex parte, with a proffer of the witness's response to the question or line of inquiry; and
- (ii) requiring the defendant to provide the court with a proffer of the nature of the information that the defendant seeks to elicit.

(C) OBLIGATION OF DEFENDANT.—In any civil proceeding under this section, it shall be the defendant's obligation to establish the relevance and materiality of any classified information sought to be introduced.

(4) APPEAL.—If the court enters an order denying a request of the United States under this subsection, the United States may take an immediate interlocutory appeal in accordance with paragraph (5).

(5) INTERLOCUTORY APPEAL.—

(A) SUBJECT OF APPEAL.—An interlocutory appeal by the United States shall lie to a court of appeals from a decision or order of a district court—

- (i) authorizing the disclosure of classified information;
- (ii) imposing sanctions for nondisclosure of classified information; or
- (iii) refusing a protective order sought by the United States to prevent the disclosure of classified information.

(B) EXPEDITED CONSIDERATION.—

(i) IN GENERAL.—An appeal taken pursuant to this paragraph, either before or during trial, shall be expedited by the court of appeals.

(ii) APPEALS PRIOR TO TRIAL.—If an appeal is of an order made prior to trial, an appeal shall be taken not later than 14 days after the decision or order appealed from, and the trial shall not commence until the appeal is resolved.

(iii) APPEALS DURING TRIAL.—If an appeal is taken during trial, the trial court shall adjourn the trial until the appeal is resolved, and the court of appeals—

(I) shall hear argument on such appeal not later than 4 days after the adjournment of the trial, excluding intermediate weekends and holidays;

(II) may dispense with written briefs other than the supporting materials previously submitted to the trial court;

(III) shall render its decision not later than 4 days after argument on appeal, excluding intermediate weekends and holidays; and

(IV) may dispense with the issuance of a written opinion in rendering its decision.

(C) EFFECT OF RULING.—An interlocutory appeal and decision shall not affect the right of the defendant, in a subsequent appeal from a final judgment, to claim as error reversal by the trial court on remand of a ruling appealed from during trial.

(6) CONSTRUCTION.—Nothing in this subsection shall prevent the United States from seeking protective orders or asserting privileges ordinarily available to the United States to protect against the disclosure of classified information, including the invocation of the military and State secrets privilege.

(g) DEFINITIONS.—As used in this section—

(1) the term “classified information” has the meaning given that term in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.);

(2) the term “financial institution” has the same meaning as in section 5312(a)(2) of title 31, United States Code;

(3) the term “funds” includes coin or currency of the United States or any other country, traveler's checks, personal checks, bank checks, money orders, stocks, bonds, debentures, drafts, letters of credit, any other negotiable instrument, and any electronic representation of any of the foregoing;

(4) the term “material support or resources” has the same meaning given that term in section 2339A (including the definitions of “training” and “expert advice or assistance” in that section);

(5) the term “Secretary” means the Secretary of the Treasury; and

(6) the term “terrorist organization” means an organization designated as a terrorist organization under section 219 of the Immigration and Nationality Act.

(h) PROVISION OF PERSONNEL.—No person may be prosecuted under this section in connection with the term “personnel” unless that person has knowingly provided, attempted to provide, or conspired to provide a foreign terrorist organization with 1 or more individuals (who may be or include himself) to work under that terrorist organization's direction or control or to organize, manage, supervise, or otherwise direct the operation of that organization. Individuals who act entirely independently of the foreign terrorist organization to advance its goals or objec-

tives shall not be considered to be working under the foreign terrorist organization's direction and control.

(i) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed or applied so as to abridge the exercise of rights guaranteed under the First Amendment to the Constitution of the United States.

(j) **EXCEPTION.**—No person may be prosecuted under this section in connection with the term “personnel”, “training”, or “expert advice or assistance” if the provision of that material support or resources to a foreign terrorist organization was approved by the Secretary of State with the concurrence of the Attorney General. The Secretary of State may not approve the provision of any material support that may be used to carry out terrorist activity (as defined in section 212(a)(3)(B)(iii) of the Immigration and Nationality Act).

(Added Pub. L. 104-132, title III, § 303(a), Apr. 24, 1996, 110 Stat. 1250; amended Pub. L. 107-56, title VIII, § 810(d), Oct. 26, 2001, 115 Stat. 380; Pub. L. 108-458, title VI, § 6603(c)-(f), Dec. 17, 2004, 118 Stat. 3762, 3763; Pub. L. 111-16, § 3(6)-(8), May 7, 2009, 123 Stat. 1608.)

REFERENCES IN TEXT

Section 212(a)(3)(B) of the Immigration and Nationality Act, referred to in subsecs. (a)(1) and (j), is classified to section 1182(a)(3)(B) of Title 8, Aliens and Nationality.

Section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989, referred to in subsec. (a)(1), is classified to section 2656f(d)(2) of Title 22, Foreign Relations and Intercourse.

The Federal Rules of Civil Procedure, referred to in subsec. (f)(1)(A)(i), are set out in the Appendix to Title 28, Judiciary and Judicial Procedure.

Section 1(a) of the Classified Information Procedures Act, referred to in subsec. (g)(1), is section 1(a) of Pub. L. 95-456, which is set out in the Appendix to this title.

Section 219 of the Immigration and Nationality Act, referred to in subsec. (g)(6), is classified to section 1189 of Title 8, Aliens and Nationality.

AMENDMENTS

2009—Subsec. (f)(5)(B)(ii). Pub. L. 111-16, § 3(6), substituted “14 days” for “10 days”.

Subsec. (f)(5)(B)(iii)(I). Pub. L. 111-16, § 3(7), inserted “, excluding intermediate weekends and holidays” after “trial”.

Subsec. (f)(5)(B)(iii)(III). Pub. L. 111-16, § 3(8), inserted “, excluding intermediate weekends and holidays” after “appeal”.

2004—Subsec. (a)(1). Pub. L. 108-458, § 6603(c), struck out “, within the United States or subject to the jurisdiction of the United States,” after “Whoever” and inserted at end “To violate this paragraph, a person must have knowledge that the organization is a designated terrorist organization (as defined in subsection (g)(6)), that the organization has engaged or engages in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act), or that the organization has engaged or engages in terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989).”

Subsec. (d). Pub. L. 108-458, § 6603(d), designated existing provisions as par. (2), inserted par. (2) heading, and added par. (1).

Subsec. (g)(4). Pub. L. 108-458, § 6603(e), amended par. (4) generally. Prior to amendment, par. (4) read as follows: “the term ‘material support or resources’ has the same meaning as in section 2339A.”

Subsecs. (h) to (j). Pub. L. 108-458, § 6603(f), added subsecs. (h) to (j).

2001—Subsec. (a)(1). Pub. L. 107-56 substituted “15 years, or both, and, if the death of any person results, shall be imprisoned for any term of years or for life” for “10 years, or both”.

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-16 effective Dec. 1, 2009, see section 7 of Pub. L. 111-16, set out as a note under section 109 of Title 11, Bankruptcy.

FINDINGS AND PURPOSE

Section 301 of title III of Pub. L. 104-132 provided that:

“(a) **FINDINGS.**—The Congress finds that—

“(1) international terrorism is a serious and deadly problem that threatens the vital interests of the United States;

“(2) the Constitution confers upon Congress the power to punish crimes against the law of nations and to carry out the treaty obligations of the United States, and therefore Congress may by law impose penalties relating to the provision of material support to foreign organizations engaged in terrorist activity;

“(3) the power of the United States over immigration and naturalization permits the exclusion from the United States of persons belonging to international terrorist organizations;

“(4) international terrorism affects the interstate and foreign commerce of the United States by harming international trade and market stability, and limiting international travel by United States citizens as well as foreign visitors to the United States;

“(5) international cooperation is required for an effective response to terrorism, as demonstrated by the numerous multilateral conventions in force providing universal prosecutive jurisdiction over persons involved in a variety of terrorist acts, including hostage taking, murder of an internationally protected person, and aircraft piracy and sabotage;

“(6) some foreign terrorist organizations, acting through affiliated groups or individuals, raise significant funds within the United States, or use the United States as a conduit for the receipt of funds raised in other nations; and

“(7) foreign organizations that engage in terrorist activity are so tainted by their criminal conduct that any contribution to such an organization facilitates that conduct.

“(b) **PURPOSE.**—The purpose of this subtitle [subtitle A (§§ 301-303) of title III of Pub. L. 104-132, enacting this section and section 1189 of Title 8, Aliens and Nationality] is to provide the Federal Government the fullest possible basis, consistent with the Constitution, to prevent persons within the United States, or subject to the jurisdiction of the United States, from providing material support or resources to foreign organizations that engage in terrorist activities.”

§ 2339C. Prohibitions against the financing of terrorism

(a) **OFFENSES.**—

(1) **IN GENERAL.**—Whoever, in a circumstance described in subsection (b), by any means, directly or indirectly, unlawfully and willfully provides or collects funds with the intention that such funds be used, or with the knowledge that such funds are to be used, in full or in part, in order to carry out—

(A) an act which constitutes an offense within the scope of a treaty specified in subsection (e)(7), as implemented by the United States, or

(B) any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed

conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act,

shall be punished as prescribed in subsection (d)(1).

(2) ATTEMPTS AND CONSPIRACIES.—Whoever attempts or conspires to commit an offense under paragraph (1) shall be punished as prescribed in subsection (d)(1).

(3) RELATIONSHIP TO PREDICATE ACT.—For an act to constitute an offense set forth in this subsection, it shall not be necessary that the funds were actually used to carry out a predicate act.

(b) JURISDICTION.—There is jurisdiction over the offenses in subsection (a) in the following circumstances—

(1) the offense takes place in the United States and—

(A) a perpetrator was a national of another state or a stateless person;

(B) on board a vessel flying the flag of another state or an aircraft which is registered under the laws of another state at the time the offense is committed;

(C) on board an aircraft which is operated by the government of another state;

(D) a perpetrator is found outside the United States;

(E) was directed toward or resulted in the carrying out of a predicate act against—

(i) a national of another state; or

(ii) another state or a government facility of such state, including its embassy or other diplomatic or consular premises of that state;

(F) was directed toward or resulted in the carrying out of a predicate act committed in an attempt to compel another state or international organization to do or abstain from doing any act; or

(G) was directed toward or resulted in the carrying out of a predicate act—

(i) outside the United States; or

(ii) within the United States, and either the offense or the predicate act was conducted in, or the results thereof affected, interstate or foreign commerce;

(2) the offense takes place outside the United States and—

(A) a perpetrator is a national of the United States or is a stateless person whose habitual residence is in the United States;

(B) a perpetrator is found in the United States; or

(C) was directed toward or resulted in the carrying out of a predicate act against—

(i) any property that is owned, leased, or used by the United States or by any department or agency of the United States, including an embassy or other diplomatic or consular premises of the United States;

(ii) any person or property within the United States;

(iii) any national of the United States or the property of such national; or

(iv) any property of any legal entity organized under the laws of the United

States, including any of its States, districts, commonwealths, territories, or possessions;

(3) the offense is committed on board a vessel flying the flag of the United States or an aircraft which is registered under the laws of the United States at the time the offense is committed;

(4) the offense is committed on board an aircraft which is operated by the United States; or

(5) the offense was directed toward or resulted in the carrying out of a predicate act committed in an attempt to compel the United States to do or abstain from doing any act.

(c) CONCEALMENT.—Whoever—

(1)(A) is in the United States; or

(B) is outside the United States and is a national of the United States or a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions); and

(2) knowingly conceals or disguises the nature, location, source, ownership, or control of any material support or resources, or any funds or proceeds of such funds—

(A) knowing or intending that the support or resources are to be provided, or knowing that the support or resources were provided, in violation of section 2339B of this title; or

(B) knowing or intending that any such funds are to be provided or collected, or knowing that the funds were provided or collected, in violation of subsection (a),

shall be punished as prescribed in subsection (d)(2).

(d) PENALTIES.—

(1) SUBSECTION (a).—Whoever violates subsection (a) shall be fined under this title, imprisoned for not more than 20 years, or both.

(2) SUBSECTION (c).—Whoever violates subsection (c) shall be fined under this title, imprisoned for not more than 10 years, or both.

(e) DEFINITIONS.—In this section—

(1) the term “funds” means assets of every kind, whether tangible or intangible, movable or immovable, however acquired, and legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such assets, including coin, currency, bank credits, travelers checks, bank checks, money orders, shares, securities, bonds, drafts, and letters of credit;

(2) the term “government facility” means any permanent or temporary facility or conveyance that is used or occupied by representatives of a state, members of a government, the legislature, or the judiciary, or by officials or employees of a state or any other public authority or entity or by employees or officials of an intergovernmental organization in connection with their official duties;

(3) the term “proceeds” means any funds derived from or obtained, directly or indirectly, through the commission of an offense set forth in subsection (a);

(4) the term “provides” includes giving, donating, and transmitting;

(5) the term “collects” includes raising and receiving;

(6) the term “predicate act” means any act referred to in subparagraph (A) or (B) of subsection (a)(1);

(7) the term “treaty” means—

(A) the Convention for the Suppression of Unlawful Seizure of Aircraft, done at The Hague on December 16, 1970;

(B) the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on September 23, 1971;

(C) the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on December 14, 1973;

(D) the International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on December 17, 1979;

(E) the Convention on the Physical Protection of Nuclear Material, adopted at Vienna on March 3, 1980;

(F) the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on February 24, 1988;

(G) the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on March 10, 1988;

(H) the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, done at Rome on March 10, 1988; or

(I) the International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on December 15, 1997;

(8) the term “intergovernmental organizations” includes international organizations;

(9) the term “international organization” has the same meaning as in section 1116(b)(5) of this title;

(10) the term “armed conflict” does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature;

(11) the term “serious bodily injury” has the same meaning as in section 1365(g)(3) of this title;¹

(12) the term “national of the United States” has the meaning given that term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

(13) the term “material support or resources” has the same meaning given that term in section 2339B(g)(4) of this title; and

(14) the term “state” has the same meaning as that term has under international law, and includes all political subdivisions thereof.

(f) **CIVIL PENALTY.**—In addition to any other criminal, civil, or administrative liability or

penalty, any legal entity located within the United States or organized under the laws of the United States, including any of the laws of its States, districts, commonwealths, territories, or possessions, shall be liable to the United States for the sum of at least \$10,000, if a person responsible for the management or control of that legal entity has, in that capacity, committed an offense set forth in subsection (a).

(Added Pub. L. 107–197, title II, §202(a), June 25, 2002, 116 Stat. 724; amended Pub. L. 107–273, div. B, title IV, §4006, Nov. 2, 2002, 116 Stat. 1813; Pub. L. 108–458, title VI, §6604, Dec. 17, 2004, 118 Stat. 3764; Pub. L. 109–177, title IV, §408, Mar. 9, 2006, 120 Stat. 245.)

REFERENCES IN TEXT

Section 1365(g)(3), referred to in subsec. (e)(11), was redesignated section 1365(h)(3) by Pub. L. 107–307, §2(1), Dec. 2, 2002, 116 Stat. 2445.

AMENDMENTS

2006—Pub. L. 109–177 amended directory language of Pub. L. 108–458, §6604. See 2004 Amendment notes below.

2004—Subsec. (c)(2). Pub. L. 108–458, §6604(a)(1), as amended by Pub. L. 109–177, §408(1), substituted “or resources, or any funds or proceeds of such funds” for “resources, or funds” in introductory provisions.

Subsec. (c)(2)(A). Pub. L. 108–458, §6604(a)(2), as amended by Pub. L. 109–177, §408(1), substituted “are to be provided, or knowing that the support or resources were provided,” for “were provided”.

Subsec. (c)(2)(B). Pub. L. 108–458, §6604(a)(3), as amended by Pub. L. 109–177, §408(1), struck out “or any proceeds of such funds” after “any such funds” and substituted “are to be provided or collected, or knowing that the funds were provided or collected,” for “were provided or collected”.

Subsec. (e)(13), (14). Pub. L. 108–458, §6604(b), as amended by Pub. L. 109–177, §408(2), added par. (13) and redesignated former par. (13) as (14).

2002—Subsec. (a)(1). Pub. L. 107–273 substituted “described in subsection (b)” for “described in subsection (c)”.

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109–177, title IV, §408, Mar. 9, 2006, 120 Stat. 245, provided that the amendment by Pub. L. 109–177 to section 6604 of Pub. L. 108–458 (amending this section) is effective on the date of enactment of Pub. L. 108–458 (Dec. 17, 2004).

EFFECTIVE DATE

Pub. L. 107–197, title II, §203, June 25, 2002, 116 Stat. 727, provided that: “Except for paragraphs (1)(D) and (2)(B) of section 2339C(b) of title 18, United States Code, which shall become effective on the date that the International Convention for the Suppression of the Financing of Terrorism enters into force for the United States [July 26, 2002], and for the provisions of section 2339C(e)(7)(I) of title 18, United States Code, which shall become effective on the date that the International Convention for the Suppression of Terrorist Bombing enters into force for the United States [July 26, 2002], section 202 [enacting this section and provisions set out as a note below] shall take effect on the date of enactment of this Act [June 25, 2002].”

DISCLAIMER

Pub. L. 107–197, title II, §202(c), June 25, 2002, 116 Stat. 727, provided that: “Nothing contained in this section [enacting this section] is intended to affect the scope or applicability of any other Federal or State law.”

§ 2339D. Receiving military-type training from a foreign terrorist organization

(a) **OFFENSE.**—Whoever knowingly receives military-type training from or on behalf of any

¹ See References in Text note below.

organization designated at the time of the training by the Secretary of State under section 219(a)(1) of the Immigration and Nationality Act as a foreign terrorist organization shall be fined under this title or imprisoned for ten years, or both. To violate this subsection, a person must have knowledge that the organization is a designated terrorist organization (as defined in subsection (c)(4)), that the organization has engaged or engages in terrorist activity (as defined in section 212 of the Immigration and Nationality Act), or that the organization has engaged or engages in terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989).

(b) **EXTRATERRITORIAL JURISDICTION.**—There is extraterritorial Federal jurisdiction over an offense under this section. There is jurisdiction over an offense under subsection (a) if—

(1) an offender is a national of the United States (as defined in¹ 101(a)(22) of the Immigration and Nationality Act) or an alien lawfully admitted for permanent residence in the United States (as defined in section 101(a)(20) of the Immigration and Nationality Act);

(2) an offender is a stateless person whose habitual residence is in the United States;

(3) after the conduct required for the offense occurs an offender is brought into or found in the United States, even if the conduct required for the offense occurs outside the United States;

(4) the offense occurs in whole or in part within the United States;

(5) the offense occurs in or affects interstate or foreign commerce; or

(6) an offender aids or abets any person over whom jurisdiction exists under this paragraph in committing an offense under subsection (a) or conspires with any person over whom jurisdiction exists under this paragraph to commit an offense under subsection (a).

(c) **DEFINITIONS.**—As used in this section—

(1) the term “military-type training” includes training in means or methods that can cause death or serious bodily injury, destroy or damage property, or disrupt services to critical infrastructure, or training on the use, storage, production, or assembly of any explosive, firearm or other weapon, including any weapon of mass destruction (as defined in section 2232a(c)(2)²);

(2) the term “serious bodily injury” has the meaning given that term in section 1365(h)(3);

(3) the term “critical infrastructure” means systems and assets vital to national defense, national security, economic security, public health or safety including both regional and national infrastructure. Critical infrastructure may be publicly or privately owned; examples of critical infrastructure include gas and oil production, storage, or delivery systems, water supply systems, telecommunications networks, electrical power generation or delivery systems, financing and banking systems, emergency services (including medical, police, fire, and rescue services), and transpor-

tation systems and services (including highways, mass transit, airlines, and airports); and

(4) the term “foreign terrorist organization” means an organization designated as a terrorist organization under section 219(a)(1) of the Immigration and Nationality Act.

(Added Pub. L. 108-458, title VI, §6602, Dec. 17, 2004, 118 Stat. 3761.)

REFERENCES IN TEXT

Sections 101, 212, and 219 of the Immigration and Nationality Act, referred to in subsecs. (a), (b)(1), and (c)(4), are classified to sections 1101, 1182, and 1189, respectively, of Title 8, Aliens and Nationality.

Section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989, referred to in subsec. (a), is classified to section 2656f(d)(2) of Title 22, Foreign Relations and Intercourse.

CHAPTER 113C—TORTURE

Sec.	
2340.	Definitions.
2340A.	Torture.
2340B.	Exclusive remedies.

AMENDMENTS

2002—Pub. L. 107-273, div. B, title IV, §4002(c)(1), Nov. 2, 2002, 116 Stat. 1808, repealed Pub. L. 104-294, title VI, §601(j)(1), Oct. 11, 1996, 110 Stat. 3501. See 1996 Amendment note below.

1996—Pub. L. 104-132, title III, §303(c)(1), Apr. 24, 1996, 110 Stat. 1253, redesignated chapter 113B as 113C. Pub. L. 104-294, title VI, §601(j)(1), Oct. 11, 1996, 110 Stat. 3501, which made identical amendment, was repealed by Pub. L. 107-273, div. B, title IV, §4002(c)(1), Nov. 2, 2002, 116 Stat. 1808, effective Oct. 11, 1996.

§ 2340. Definitions

As used in this chapter—

(1) “torture” means an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control;

(2) “severe mental pain or suffering” means the prolonged mental harm caused by or resulting from—

(A) the intentional infliction or threatened infliction of severe physical pain or suffering;

(B) the administration or application, or threatened administration or application, of mind-altering substances or other procedures calculated to disrupt profoundly the senses or the personality;

(C) the threat of imminent death; or

(D) the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind-altering substances or other procedures calculated to disrupt profoundly the senses or personality; and

(3) “United States” means the several States of the United States, the District of Columbia, and the commonwealths, territories, and possessions of the United States.

(Added Pub. L. 103-236, title V, §506(a), Apr. 30, 1994, 108 Stat. 463; amended Pub. L. 103-415, §1(k), Oct. 25, 1994, 108 Stat. 4301; Pub. L. 103-429,

¹ So in original. The word “section” probably should appear after “in”.

² So in original. Probably should be section “2332a(c)(2)”.